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37 CFR 1.138**

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Application Number	09/447,681
Filing Date	11/23/99
First Named Inventor	Jack A. Roth
Art Unit	1632
Examiner Name	Crouch, Deborah
Attorney Docket Number	INRP:003--2

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.

- I am the: ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Attorney or agent registration number is 45,104
- ☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____



Signature

Gina N. Shishima

Typed or printed name

July 13, 2006

Date

512-536-3081

Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
July 13, 2006 Date	 Gina N. Shishima

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Roth

Serial No.: 09/447,681

Filed: November 23, 1999

For: ADENOVIRUS p53 COMPOSITIONS
AND METHODS

Group Art Unit: 1632

Examiner: Crouch, Deborah

Atty. Dkt. No.: INRP:003--2

COMMENTS

Commissioner for Patents
P. O. Box 1450
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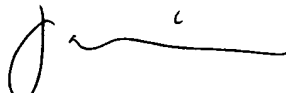
Commissioner:

Applicant submits the following comments in accordance with the enclosed Express Abandonment under 37 C.F.R. 1.138.

Applicant acknowledges the Examiner's withdrawal of the obviousness rejection. However, Applicant concedes the rejection of the claims under 35 U.S.C. section 112, first paragraph, as lacking an adequate written description. While Applicant does not agree with the obviousness-type double patenting rejection, the written description rejection renders moot any remaining issues for appeal as the present claims would not fulfill the requirements of

patentability under 35 U.S.C. section 112. Accordingly, Applicant is abandoning the present application.

Respectfully submitted,



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Date: July 13, 2006